

REMARKS/ARGUMENTS

Claims 1-21 remain in the application.

Claims 1, 2, 9 and 16 are currently amended.

Amendment After Final Rejection

The instant response is being filed within two (2) months of the above mailing date of the current Office Action.

Claim Rejections Under 35 USC § 102

Claims 1-4, 8, 9 and 14-16 were rejected under 35 USC § 102(b) over US Patent 6,648,376 to Christianson.

The present invention, as recited in amended claim 1, is not anticipated by Christianson, which teaches a flexible, sectioned plastic arm for a showerhead having a series of interconnected ball-and-socket (B&S) sections **10** between a shower pipe connection **12** and a shower head connection end piece **14**. Each B&S section **10** “has a through hole and the sections and end pieces are arranged so that the through holes of the series of sections and end pieces communicate to provide a passageway or lumen through the entire arm.” Column 2, line 60-column 3, line 14. A flexible plastic tube **20** extends through the arm. Column 4, lines 22-27.

The ball-and-socket (B&S) sections **10** are fitted together to form “bendable but rigid joint between each pair of adjacent sections.” Column 3, lines 15-35.

Christianson fails to anticipate the present invention, which is a flexible support apparatus having a permanently bendable continuous solid metal rod having a first end fused directly to the support base, and having a second end fused directly to a mounting bracket.

In contrast, Christianson teaches an arm of ball-and-socket sections **10** filled with a “chain” of individual sleeves **16** formed as short tubes, having only “a length of 1.778 cm.” Column 4, lines 54-56.

The tube sleeves **16** are “rigid.” Column 3, lines 48-57. Therefore, the tube sleeves **16** are not “bendable,” as recited in claim 1. In fact, if the tube sleeves **16** of Christianson were “bendable,” they could not perform their intended purpose of limiting the bending of the ball-and-socket sections **10**, as set forth at column 5, lines 30-46:

When the arm is bent far enough, the edges of ball ends 10B will swivel or pivot far enough to contact the outside of the adjacent sleeve or metal tube 16, as indicated at points of contact 10C. The chain or series of sleeves [16] is positioned so that at least one end of each B&S sections is adjacent and surrounds a wall portion of a sleeve [16] between its opposite ends, so that when the arm is bent, one end of at least one B&S section will contact and press against a sleeve's [16] wall portion. When such contact occurs, the metal tube or sleeve [16] stops any further swiveling of the ball end in its socket, so the user cannot bend each joint farther unless great force is used. As a result of the sleeves' overbending prevention function, the ball ends cannot be swiveled far enough to cause the ball of one section to hit the edge or skirt of its socket and pry itself out of its socket. Thus the user cannot easily overbend the arm or cause any ball to be pried out of its socket. Column 5, lines 30-46 (emphasis added).

Thus, Christianson fails to anticipate both the continuous solid metal rod of claim 1, and the permanently bendable feature of the rod. Rather, Christianson teaches only (1) sleeves 16 formed as short tubes, and (2) the tube sleeves 16 being "rigid" and therefore clearly unbendable.

In the Office Action mailed on April 21, 2005, the Examiner indicated that the term "solid" in the claims of the present application was given its broad meaning of "solid material" as differentiated only from liquid or gas, rather than "continuous" as argued by the Applicant.

Accordingly, in the interest of expediting allowance of the claims in the present application, the Applicant has herein amended claim 1 to substitute the term "continuous" for the disputed term "solid."

The rod 12 is clearly "continuous" as originally disclosed in Figures 2-5 of the application as originally filed. For at least the above reasons, no new matter is thereby added.

For at least the above reasons, claim 1 is not anticipated by Christianson, and is believed to be allowable.

Claims 2-8 are allowable at least as depending from allowable claim 1.

Claim 2 is further allowable independently of allowable base claim 1 as reciting the rod as “substantially constant cross-section between the first and second ends thereof.” In contrast, Christianson teaches a “series of interconnected ball-and-socket (B&S) sections 10 between a shower pipe connection 12 and a shower head connection end piece 14.” See, e.g., Abstract. Therefore, Christianson cannot anticipate the rod of the present invention as being of “substantially constant cross-section between the first and second ends thereof,” as currently recited in amended claim 2.

The rod 12 is clearly of “substantially constant cross-section between the first and second ends thereof,” as originally disclosed in Figures 2-5 of the application as originally filed. For at least the above reasons, no new matter is thereby added.

For at least the above reasons, claim 2 is not anticipated by Christianson, and is believed to be allowable independently of allowable base claim 1.

Christianson fails to anticipate the inventions of claims 9 and 16. Amended claims 9 and 16 differ in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claims 9 and 16 as to make repetition unnecessary. Thus, for each of the reasons above, claims 9 and 16 are believed to be allowable over the cited art. Claims 10-15 are allowable at least as depending from allowable claim 9, and claims 17-21 are allowable at least as depending from allowable claim 16.

Claim Rejections Under 35 USC § 103

Claims 5, 10 and 17 were rejected under 35 USC § 103(a) over US Patent 6,648,376 to Christianson in view of US Patent 4,020,575 to Kruger, et al.

Claim 6 depends from base claim 1 which is not made obvious by Christianson, which fails to disclose or suggest **both** the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 1. Rather, as discussed above, Christianson teaches only (1) sleeves 16 formed as short “tubes,” and (2) the tube sleeves 16 being “rigid.”

Furthermore, because Christianson teaches an arm for a showerhead, the teaching of Christianson absolutely requires a tube to flow water there through. Thus, Christianson actually teaches away from the solid rod of the present invention, as recited in claim 1, because the invention of Christianson will not function for its intended purpose, flowing water there through, if a solid rod is substituted for the tube sleeves 16.

For at least the above reasons, as currently amended, claim 1 is not made obvious by Christianson, and is believed to be allowable there over.

Kruger fails to provide the deficiencies of Christianson. Kruger fails to disclose or suggest the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 1.

For at least the above reasons, claim 1 is allowable over Christianson in view of Kruger. Claim 5 is allowable at least as depending from allowable claim 1.

Claim 10 depends from base claim 9.

Claim 17 depends from base claim 16.

Amended base claims 9 and 16 differ in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claims 9 and 16 as to make repetition unnecessary. Thus, for each of the reasons above, claims 9 and 16 are believed to be allowable. Claim 10 is allowable at least as depending from allowable claim 9, and claim 17 is allowable at least as depending from allowable claim 16.

Claims 6, 13, 20 and 21 were rejected under 35 USC § 103(a) over US Patent 6,648,376 to Christianson in view of US Patent 4,020,575 to Kruger, et al., and further in view of US Patent 5,842,670 to Nigoghosian.

Claim 6 depends from base claim 1 which is not made obvious by Christianson, as discussed above. As also discussed above, Kruger fails to provide the deficiencies of Christianson.

Additionally, Nigoghosian fails to provide the deficiencies of both Christianson and Kruger. Nigoghosian fails to disclose or suggest the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 1.

For at least the above reasons, claim 1 is allowable over Christianson in view of both Kruger and Nigoghosian. Claim 6 is allowable at least as depending from allowable claim 1.

Claim 13 depends from base claim 9.

Claims 20 and 21 both depend from base claim 16.

Amended base claims 9 and 16 differ in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claims 9 and 16 as to make repetition unnecessary. Thus, for each of the reasons above, claims 9 and 16 are believed to be

allowable over the cited art. Claim 13 is allowable at least as depending from allowable claim 9, and claims 20 and 21 are allowable at least as depending from allowable claim 16.

Claims 7 and 19 were rejected under 35 USC § 103(a) over US Patent 6,648,376 to Christianson in view of US Patent 4,020,575 to Kruger, et al., and further in view of US Patent 6,637,642 to Lingnau.

Claim 7 depends from base claim 1 which is not made obvious by Christianson. As discussed above, Christianson fails to disclose or suggest **both** the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 1.

Furthermore, as discussed above, Kruger fails to provide the deficiencies of Christianson.

Additionally, Lingnau fails to provide the deficiencies of both Christianson and Kruger. Lingnau fails to disclose or suggest the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 1.

For at least the above reasons, claim 7 is believed to be allowable as originally recited.

Claim 19 depends from base claim 16.

Amended base claim 16 differs in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claim 16 as to make repetition unnecessary. Thus, for each of the reasons above, claim 16 is believed to be allowable over the cited art. Claim 19 is allowable at least as depending from allowable claim 16.

Claim 11 was rejected under 35 USC § 103(a) over US Patent 6,648,376 to Christianson in view of US Patent 4,020,575 to Kruger, et al., and further in view of US Patent 6,637,642 to Lingnau.

Claim 11 depends from base claim 9 which is not made obvious by Christianson. As discussed above, Christianson fails to disclose or suggest **both** the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 9.

Furthermore, as discussed above, Kruger fails to provide the deficiencies of Christianson.

Additionally, as discussed above, Lingnau fails to provide the deficiencies of both Christianson and Kruger.

For at least the above reasons, claim 9 is believed to be allowable as originally recited. Claim 11 is allowable at least as depending from allowable claim 9.

Claim 12 was rejected under 35 USC § 103(a) over US Patent 6,648,376 to Christianson in view of US Patent 4,020,575 to Kruger, et al., and in view of US Patent 6,637,642 to Lingnau, and further in view of US Patent 5,842,670 to Nigoghosian.

Claim 12 depends from base claim 9 which is not made obvious by Christianson. As discussed above, Christianson fails to disclose or suggest **both** the continuous metal rod, and the permanently bendable feature of the rod, as recited in claim 9.

As discussed above, Kruger fails to provide the deficiencies of Christianson.

Furthermore, as discussed above, Lingnau fails to provide the deficiencies of both Christianson and Kruger.

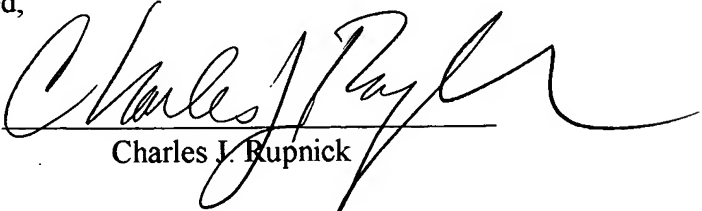
Additionally, as discussed above, Nigoghosian fails to provide the deficiencies of Christianson, Kruger and Lingnau.

For at least the above reasons, claim 9 is believed to be allowable as originally recited. Claim 12 is allowable at least as depending from allowable claim 9.

The claims now being in form for allowance, reconsideration and allowance is respectfully requested.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

Attorney: 
Charles J. Rupnick

Registration No.: 43,068
Date: June 20, 2005
Telephone: (206) 439-7956